Supreme Court, U.S.
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JOSEPH F. SPANIOL, JR.
CLERK

No. 90-767

In the Supreme Court of the United States of America

October Term, 1990

CABLE NEWS NETWORK, INC., and
TURNER BROADCASTING SYSTEM, INC.,
Petitioners,

v.

MANUEL ANTONIO NORIEGA and
UNITED STATES OF AMERICA,
Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

SUPPLEMENTAL APPENDIX TO PETITION FOR WRIT OF CERTIORARI AND APPLICATION TO STAY DISTRICT COURT RESTRAINING ORDERS PENDING CERTIORARI

Of Counsel:
FLOYD ABRAMS
80 Pine St.
New York, New York 10005
(212) 701-3000
STEVEN W. KORN
Vice President and General Counsel
Turner Broadcasting System, Inc.
One CNN Center
Atlanta, GA 30348
(404) 827-1561
(Additional of Counsel listed on second page)

P. CAMERON DeVORE*
STUART PIERSON
DANIEL M. WAGGONER
BRUCE E. H. JOHNSON
STUART R. DUNWOODY
Davis Wright Tremaine
Suite 800
1752 N Street, N.W.
Washington, D.C. 20036
(202) 828-2388
**Counsel of Record for Petitioners*

DAVID C. KOHLER
Christian Barton Epps Brent & Chappell
1200 Mutual Building
Richmond, VA 23219
(804) 644-7851

TERRY S. BIENSTOCK
Frates Bienstock & Sheehe
Suite 3160
Southeast Financial Center
200 South Biscayne Blvd.
Miami, FL 33131
(305) 358-7447

JOHN J. DALTON
WILLIAM N. WITHROW, JR.
Troutman, Sanders, Lockerman & Ashmore
1400 Candler Building
127 Peachtree Street, N.E.
Atlanta, GA 30303
(404) 658-8000

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 88-79-CR-HOEVELER

Tuesday, November 13, 1990
Miami, Florida
3:40 p.m.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MANUEL ANTONIO NORIEGA, et al.,

Defendants.

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE WILLIAM H. HOEVELER

(In Chambers)

APPEARANCES:

(As heretofore stated.)

Court Reporter: Barbara Medina
301 North Miami Avenue
Miami, Florida 33128
(305) 358-4642

(Call to order of the Court.)

MR. SHEEHE: I am Phil Sheehe. Terry is in California. I was sent over here. CNN's appellate counsel wants to be

involved because, obviously, this hearing has to do with the record.

THE COURT: This is their number.

What happened to Maria?

MR. LEWIS: She is out there turning them away at the door.

MR. RUBINO: I'll sit on your lap.

MR. LEWIS: Better that way than the other way.

THE COURT: This is just a friendly informal conference, but everything we do is —

MR. MAY: Headline news.

THE COURT: — headline news.

She is going to get your appellate counsel.

MR SHEEHE: Yes.

THE COURT: That's what this is about. It's appropriate he be in on it.

You have, Mr. Rubino, do you have an investigator by the name — there he is. You are Mr. Fernandez.

MR. FERNANDEZ: Yes, sir.

THE COURT: This, of course, is in my favorite case.

THE DEPUTY CLERK: On your line 79.

THE COURT: Hello.

MR. DALTON: Hello. Good afternoon, Your Honor.

THE COURT: Good afternoon. How are you doing?

MR. DALTON: This is Jack Dalton.

THE COURT: Yes, sir.

Hello. Hello.

MR. SHEEHE: That was Jack Dalton.

THE COURT: Jack left.

The line is still open.

MR. SHEEHE: They are blaming you, Judge.

THE COURT: I think Jack cut himself off.

MR. SHEEHE: We will stipulate to that.

THE LAW CLERK: They lost him. They are going to get him again.

THE COURT: I will give you a little introductory as to why we are here so we can spend less time on it.

I want to address this, particularly to the Government, because I don't want to do anything that anybody doesn't think is entirely appropriate.

I got to thinking about the record before the Court of Appeals and that which will go —

MS. KENDRALL: They are on line 1 now, Judge.

THE COURT: Line 1?

Hello. We have Mr. Dalton again?

MR. DALTON: Yes, Your Honor.

THE COURT: Very good.

Now, I have with me counsel for the Government, defense counsel and your local counsel, together with some representatives of the press. We are in Chambers and I hope you can hear me adequately.

MR. DALTON: Yes, Your Honor, we can.

THE COURT: All right. Fine.

I am going to do most of the talking, although I am going to ask the Government some questions.

The purpose of this meeting — and I really intended it to be very brief — is that I am supplementing the record before the Court of Appeals because I want this record also to go to the Supreme Court of the United States, and the way I am supplementing the record is I am sending transcripts of all hearings that we have had in this matter.

They are being faxed to the Court of Appeals this afternoon, plus I am, I propose to send a record of all of the telephone conversations in which General Noriega and his counsel or representatives of his counsel were involved to the Court of appeals also.

This record I had when I was considering these portions of this matter, and I think it proper that the Court of Appeals have it, and I think it proper that the Supreme Court of the United States have it.

Now, before you comment on it, I am going to ask the Government, is there any objection to my doing that?

MS. COHEN: Your Honor, as long as this remains under seal.

MR. DALTON: Your Honor, we are not able to hear that in Atlanta.

THE COURT: Ms. Cohen says as long as it remains under seal. That is, I mean, as long as it is not disclosed to the press?

MS. COHEN: Or to the other parties, Your Honor. This was submitted under seal.

THE COURT: This was submitted under seal. It's something, though, that I had and that I considered, and I think that the Court of Appeals should have it, and I think the Supreme Court should have it.

And your position is that while you have no objection to it going forward to the Court of Appeals, it should remain under seal?

MS. COHEN: Yes. It is part of the record. That's the way it was presented and we would ask that it remain under the same conditions under which it was presented.

THE COURT: Ms. Cohen says it was part of the record. That's the way it was presented. It was considered under seal and she asks it remain under seal.

I can understand that because we may be compounding the problems that we have already had as a result of these disclosures.

But I did want you to know what I was doing and the circumstances under which I was doing it, because you have a right to know whatever is in the record.

Now, let me ask your local counsel, do they have any position on this?

MR. SHEEHE: Your Honor, I think we need to defer to our appellate counsel. That's why we have them on the line.

THE COURT: Local counsel is deferring to Atlanta counsel.

MR. DALTON: Yes, Your Honor. This is Jack Dalton again.

We have some question — I wonder what the position of General Noriega's counsel is.

MR. RUBINO: Your Honor, first of —

THE COURT: Come over here, would you please, Frank?

MR. RUBINO: This is Frank Rubino.

My first question would be what is the Government submitting under, that they wish under seal? I don't know what we are talking about.

THE COURT: I am going to show you just a portion of it without going into detail, but I do want you to know what we are talking about.

MR. RUBINO: Okay. I know what that is.

THE COURT: It's a log. That's all it is.

MR. RUBINO: Just a pure log.

THE COURT: Pure log. It shows the number of calls and to whom they were made.

MR. RUBINO: Fine. Okay.

He knows what we are talking about now.

THE COURT: Yes.

MR. RUBINO: I didn't, I didn't know what it was. Now I am aware of it.

MR. DALTON: Could you describe it for us here in Atlanta, Mr. Rubino?

MR. RUBINO: I prefer the Judge do that.

THE COURT: It's a log on legal size paper and it has a list of the telephone calls, to whom they were made, when they were made, and the numbers involved and, apparently, a supervisor of some kind signing for them, and the hours and the day on which there were made.

MR. DALTON: Your Honor, does it disclose who made it or are you able to —

THE COURT: I assume these were all made by the defendant.

MR. DALTON: No, I mean who made the log.

THE COURT: No, it does not.

MR. RUBINO: If I may, I think it does.

THE COURT: Well —

MR. RUBINO: The guard who wrote it.

THE COURT: It discloses who apparently supervised the calls.

Who keeps track of the log —

MR. RUBINO: The guard.

THE COURT: Who keeps track of it, I don't know.

MR. DALTON: It's a Government document.

THE COURT: Beside each call there is a name that is out on the border and I presume it's the name of the person who monitored the call.

MR. DALTON: And was maintained by the Government?

THE COURT: Oh, yes.

MR. DALTON: And this was, if I may ask, produced to Your Honor when?

MR. MOSCOWITZ: It was late last week.

THE COURT: Sometime about the time all these events started.

MR. SHEEHE: Friday.

THE COURT: I can't give you the exact day.

Is Joan here?

Do you remember when I got this?

MS. KENDRALL: Probably, most likely, Friday.

MR. DALTON: That has not been made available to the defendant either?

THE COURT: It has not been made available to anybody.

MR. MAY: The Court made reference to it in a number of the hearings.

THE COURT: I did make reference to it during the hearings —

MR. DALTON: Yes, sir.

THE COURT: — when I suggested there were quit a number — I think I suggested there were quite a number of calls.

MR. RUBINO: To answer Mr. Dalton's question, we would have no objection.

MR. DALTON: Your Honor, we would object — and to the degree that it's to be sealed — because CNN is in favor of public disclosure of all information in the possession of the Government.

THE COURT: I am aware of that.

MR. DALTON: Yes, sir.

THE COURT: I am going to go ahead and transmit this to the Court of Appeals under seal.

You, of course, can make whatever applications you might wish to, either to the Court of Appeals or the Supreme Court.

MR. PEARSON: Your Honor, this is Stuart Pearson with Mr. Dalton.

THE COURT: Yes, sir?

MR. PEARSON: Might I ask the Court to give us a time frame within which this log covers, so that we might be able to explain to the Court of Appeals its relevance?

MS. COHEN: Your Honor, I would object.

THE COURT: That's objected to by the Government. That's objected to.

I will sustain the objection at the moment.

You see, there are a variety of reasons why I think this should go up. I won't go into them all.

One of them is that I had it, that I considered it, and I think it's pertinent, and if the Court of Appeals thinks you ought to have it, or the Supreme Court thinks you ought to have it, I am sure you will have it.

But this whole event has happened so quickly and there have been so many things done and so many hearings had, that I think it's only fair that the Court of Appeals, as well as the Supreme Court, have everything that I had and can consider everything that I considered in reaching their opinion.

Frankly, I think this is relevant to the principal issue in the case, and that is obviously the, the question of the amount of time that would have been necessary to have determined the factual issues in the case if, indeed, I had been given the opportunity to consider those factual issues in the first instance.

I think you probably follow what I am saying.

MR. PEARSON: Your Honor, my reason for asking was directly to that point.

During the hearings, as I recall, you indicated there were potentially hundreds of taped conversations going all the way back to early 1990, and my only reason for asking was to

determine whether or not this supplement of the record establishes that that is so.

MS. COHEN: Your Honor, if I may address that on behalf of the Government?

We are now —

THE COURT: Come on over here. Ms. Cohen is speaking now.

MS. COHEN: Marcella Cohen, on behalf of the Government.

With regard to this sealed document, I know much has been discussed already, and if we are not going to keep it under seal, that's one thing. If we are, that's quite another.

I think to disclose more than we have already is really getting into more of the substance and we would object to further information being disclosed that's currently under seal.

MR. MOSCOWITZ: This inquiry was not made by CNN or the other parties before this Court. I see no reason why they should now be entitled to further inquiry at the appellate level.

MR. DALTON: Can't hear, Your Honor.

THE COURT: Say that again.

MR. MOSCOWITZ: These questions were not raised by CNN or the other parties before this Court. I see no reason why they should be entitled to this further information at the appellate level.

THE COURT: What Mr. Moscowitz is suggesting, and I think it has merit, is even after I disclosed that I had this record and that it was, I think, I suggested that it was a voluminous record, no demand or inquiry or interest was shown in it relative to the particular point involved and that's a fair point.

So I think —

MR. DALTON: You Honor, if I understand the Government's statement from Ms. Cohen, our request to verify or be given the time frame or the number of conversations recorded is not going to be done because the Court will, will sustain the Government's objection?

THE COURT: Well —

MR. DALTON: My difficulty, Your Honor, is that I understand the Court's position, that it would be extremely time consuming and difficult to go through the analysis of all of these tapes, but we don't know, for argument purposes in this Court, the Court of Appeals or the Supreme Court what the dimensions are in time and number, and all we are asking for is the number and the time frame.

MR. RUBINO: If I may join in the Government's objection.

It seems that CNN now is being heard to argue the same position they put the Court in last week by refusing to go let the Court hear the tapes and know, so now we have no objection.

We join the Government. We think the Court used this in some respect, aiding and assisting the Court in making a ruling. We think it is imperative the Appellate Court, unlike the District Court, gets all they can to help them make a decision.

THE COURT: Let me say I really didn't need this to make my decision, but I think the volume — and I will go that far — the volume in question makes apparent the correctness of the Court's position on the issue involved, which I am not sure everybody really understands yet — that is, going up — the issue being whether or not the network can shift to the Court

and to the other parties, when it is impossible to do so, the burden of making a factual determination of the information held by the network, and this piece of evidence I think is very germane to showing that that would have been a physical impossibility under the circumstances presented to the Court.

It does cover an extensive period of time. I will go that far with you.

MR. CUNNINGHAM: Your Honor, if I may, James Cunningham for CNN.

I think the record does reflect that CNN has filed a motion for access to that log and that motion still remains pending before the Court.

MR. DALTON: Your Honor — this is Dalton in Atlanta again — it appears at page 12 of the record, beginning at page 11, when Mr. Bienstock at line 16, "On behalf of Cable News Network, we seek access to that information and I have a motion for an Order to the Clerk of the Court directing access with a supporting memorandum," in response to the Government having produced some documents concerning the tapes to the Court.

THE COURT: Well, I am going to take this position with all respect to your position: I am going to deny that motion.

I am concerned, I might say, because of what has happened relative to CNN up to this point. I want you to know what we are doing. I want you to know what's going up.

If the Court of Appeals or the Supreme Court feels that you should have this then, of course, they will control the situation and I am sure if they feel that you should have it, we will give it to you.

But it's important that the Appellate Courts know the dimension of the problem, and I think this will give them a

good idea of it. I think you probably have a pretty good idea of the dimensions of the problem already from what I have said.

More than that, I really can't say at the moment. I simply wanted you all to know — by "you all," I mean all counsel — to know that the record is being supplemented with this log and also with a transcript of all of the hearings that have been held, and I think in all fairness, the transcript of this hearing as well should go up, do you not?

MR. PEARSON: Yes, Your Honor.

MR. DALTON: Yes, sir, and the one from yesterday as well, but I understood Your Honor to say earlier that that would be included.

THE COURT: I think they all should go up. I think they ought to have a complete picture of every step that has been taken in this process.

MR. DALTON: Your Honor, do you know when the transcripts, including this one, will go to the Court of Appeals?

THE COURT: They are in the process right now. The transcripts, I think, have already gone up.

THE LAW CLERK: Everything except yesterday and today.

THE COURT: All —

MR. DALTON: Including this hearing?

THE COURT: No, we are not that fast.

All of the transcripts have gone up.

THE LAW CLERK: Except yesterday and this.

THE COURT: That will go up when we get it. This log will go up as soon as we are finished.

Then I will have our Court Reporter, as soon as she can get it together, do this one and we will send this one up, and that I think will complete the record.

MR. PEARSON: Your Honor, might I ask a technical matter? This Stuart Pearson for CNN.

As we understand your written order, the Temporary Restraining Order is specified to expire by its terms on Monday, the 19th.

THE COURT: Well, now, hold the phone. We had an agreement yesterday and I thought that was very clear.

MR. DALTON: We just want to make sure, Your Honor, that as part of the Order yesterday, the Temporary Restraining Order is extended beyond Monday.

THE COURT: Of course, but it's extended because of your agreement.

Normally, a Temporary Restraining Order lasts for only ten days unless it's extended by the Court and the parties, by agreement of the parties for an additional ten days.

Now, in this case, as we are not really dealing with a civil Temporary Restraining Order any longer, it occurs to me that what we have is an agreement that there shall be no action taken by any of the parties until the Supreme Court has spoken on the subject.

Did I understand that correctly?

MR. DALTON: Well, close, Your Honor, but not quite.

Our position is that we are under a Court Order restraining us from telecasting any privileged attorney-client communications between Mr. Noriega, General Noriega and his lawyers, and we have agreed to obey that Order unless and until we obtain relief from the Supreme Court.

It was our understanding, however, that the Court made it clear that the Order was and would be extended.

We did not agree to the extension of the order.

THE COURT: Would you explain to me what that means?

MR. DALTON: We agreed to obey your Order but not to its extension.

THE COURT: I don't follow you.

Are you telling me that you are going to publish these tapes?

MR. DALTON: No, no, no, we are not. We are going to comply with your Order.

We just want to make certain that when Monday comes around, your Order is still in being, then and beyond.

THE COURT: It seems to me it's in being by agreement.

MR. DALTON: Well, that's part of the problem we have, Your Honor.

We did not agree to the Order. We agreed to obey it, which we will do.

MR. RUBINO: Whoa —

THE COURT: I wonder if we are not drawing distinctions that have no differences.

MR. DALTON: Well, Your Honor, let me see if I can put it this way: There have been indications that after you issued your Order, CNN disobeyed it.

THE COURT: Yes.

MR. DALTON: If you had issued your Order and CNN had not made a further telecast, there would not be any indication of disobeying it.

THE COURT: That's true.

MR. DALTON: But we did not agree to the Order itself. We would only have agreed to obey it. That's the distinction that I make here, the distinction between your issuance of the Order and its existence as an obligation issuing from the Court on the one hand and CNN's response to it by obeying it or disobeying it on the other.

What we have agreed to do is to obey it until and unless we obtain relief from the Supreme Court. We have not agreed that the Order should issue or that it should be extended.

We have presumed that the Court has extended it for the length of time within which we would obtain relief or not in the Supreme Court.

THE COURT: I think I understand what you are saying. What you are saying is you don't wish to waive any positions previously taken.

Is that it?

MR. DALTON: We don't want to waive any objection to the issuance or extension of the Order.

THE COURT: Well, I don't think you have.

You mean by agreeing to the extension, you don't want to agree it was originally correct.

MR. DALTON: Or that its extension is proper.

THE COURT: I think I understand.

MR. MOSCOWITZ: May I just raise one question? I was listening very carefully to counsel's summary of what the agreement was. There was one thing he said that may have been an error, but I want to clarify it.

He said they agreed not to broadcast any privileged attorney-client communications. We sought to clarify —

MR. DALTON: I can't hear. I'm sorry.

THE COURT: Come over here, Norman.

MR. MOSCOWITZ: What I heard you to say the agreement was that you have agreed not to broadcast any privileged attorney-client communications.

Everyone was very careful yesterday to clarify it, that what you were agreeing to was not to broadcast any attorney-client communications without making the Judge aware, the judgment, whether or not, in fact, they are privileged.

MR. DALTON: That's correct.

MR. RUBINO: We are halfway there.

I have another problem in understanding what you have just posed to Judge Hoeveler.

This is Frank Rubino.

I well appreciate you don't want to waive any rights you may have, but it would be my posture that Judge Hoeveler's Order is still in good, in full force and effect until overturned by the Supreme Court.

Otherwise, this could moot this entire issue. If we have some agreement — which we refuse to make — the Order is no longer in effect, but you are just doing this voluntarily —

MR. DALTON: Let me try to state it again.

MR. RUBINO: We have to be appealing an Order. We can't appeal your voluntary agreement to something that's no longer in effect.

MR. DALTON: That's correct.

The Order stated by its terms, consistent with Rule 65, the Temporary Restraining Order would last for only ten days.

Our concern was the record did not reflect clearly that the Court had extended the Order until the Supreme Court should act.

What we have agreed to do is obey that Order. What we want to be certain of is that the record is clear that the Order continues.

THE COURT: The Order does continue.

MR. RUBINO: Fine.

THE COURT: It continues as per the agreement of yesterday, and that is it's in effect until such time as the Supreme Court acts.

MR. DALTON: And CNN has not waived objection to its issuance.

THE COURT: Of course not. That's why you are appealing.

MR. DALTON: Or to its extension.

THE COURT: You have agreed to the extension without waiving the original objection.

MR. DALTON: This may be splitting hairs, Your Honor. We just want to make it clear the continuing prior restraint is what we object to.

Is that clear?

THE COURT: Yes of course. That's the whole issue.

MR. RUBINO: One last thing: As part of the agreement — we forgot to put this on, but this should please you to hear — This is Frank Rubino again — I understand it was part of the agreement yesterday that we would not have the contempt

hearing, and we would like to notify you as part of the agreement we will also not at this time file a criminal contempt request before the Court, but will hold that until after the Supreme Court rules also.

THE COURT: Did your hear that?

MR. PEARSON: We heard it.

MR. DALTON: We heard it, Your Honor.

THE COURT: All right.

And I am still waiting for you to get back to me on the alternatives I suggested yesterday. There is no time frame necessarily, but you let me know when you have considered your options.

MR. DALTON: Your Honor, we thought a letter was delivered to you this morning in response to that. If you give me a minute I'll find a copy of it.

THE COURT: All right.

MR. DALTON: Terry's letter, from Mr. Bienstock's office.

THE COURT: If it was, I don't have it yet.

MR. CUNNINGHAM: The Court does not have it yet, but it's in Miami.

You will have it before the close of business today.

MR. DALTON: We declined that, Your Honor, and in the letter we also advised the Court of the contact at the United States Supreme Court, as we were directed to do.

THE COURT: Good. All right. Then we will proceed as indicated.

MR. DALTON: Yes, sir.

THE COURT: Anything further?

MR. DALTON: Thank you. We appreciate your keeping us advised, Your Honor.

THE COURT: No problem. Thank you, and I will tune you out now.

MR. DALTON: Thank you.

MR. CUNNINGHAM: Your Honor, the letter is in Miami. As soon as I get back we will finalize the letter and do a notice of filing for you.

THE COURT: I think that's probably the best way to handle it.

MR. CUNNINGHAM: Yes.

THE COURT: Keep it clean.

MR. CUNNINGHAM: We want everything to be above-board and correct in the record.

THE COURT: I will go entirely along with that, but, certainly, we will have a clear fish for the Supreme Court.

MR. RUBINO: Am I to assume you have not applied for an emergency stay?

MR. CUNNINGHAM: I am not aware that one has been applied for. That's all I can say. I am not aware of it.

MR. MAY: My understanding, from our prior conversations, is that you will be filing your cert. petition by Thursday?

MR. CUNNINGHAM: We will, as best I know, be filing with the Court by Thursday.

THE COURT: Is there anything further that anyone would like to take up?

MR. RUBINO: There is one other thing we would like to know, Your Honor. We can do it by an oral motion at this time and supplement the record with a written motion later.

We would like to know how many times CNN has, in fact, aired those tapes since the Court's Order.

MR. SHEEHE: There is nobody here that can tell you the answer to that.

MR. CUNNINGHAM: The only thing we can do at this point, Your Honor — I don't personally have that information — is if they file a motion, we can take whatever action is appropriate after filing the motion.

THE COURT: I don't think there is any need for that until sometime after the Supreme Court has ruled because that matter will come up, in any event, regardless of the Court's ruling, at which time you can do such discovery as you think is indicated.

MR. RUBINO: Yes, sir.

THE COURT: All right.

If there is nothing further, I have another matter that I have got to take care of.

(Proceedings concluded.)

I hereby certify that the foregoing
is a true and correct transcript of
the proceedings in the above matter.

_____ _____

Date Official Court Reporter

526 MIRANDA: ORDER (WMH 11/6/90) CLARIFYING Court's prot order of 8/15/90 & same remains in effect (EOD 11/8/90-CCAP).

527 MIRANDA: ORDER (WMH 11/6/90) THAT deft's M/discl of specific disc filed 2/12/90 was denied w/o prej by Mag Turnoff 7/20/90 & is not pending mot (EOD 11/8/90-CCAP).

528 NORIEGA: ORDER (WMH 11/6/90) THAT written notice be given CSO no later than 5pm 11/26/90, as to all classified info that deft expects to discl (EOD 11/8/90-CCAP).

529 ALL DEFTS: NOTICE (WMH — no date) RESCHEDULING hrg for 11/13/90 at 10 am (EOD 11/9/90-CCAP).

530 NORIEGA: ORDER (WMH 11/8/90) CONTINUING temp inj imposed on CNN until such time as Court can review contents of tapes in CNN's poss. CNN to prod copies of tapes in its poss (EOD 11/9/90-CCAP).

531 NORIEGA: *NOTICE OF APPEAL* by Turner Broadcast & CNN from order granting TRO entered 11/9/90. Copies to USCA & Attys of record. No fee paid.

532 NORIEGA: NOTICE of hrg set for 11/8/90 @ 8:30 am, by deft.

533 NORIEGA: MOTION for injunction, by deft.

534 NORIEGA: MEMO in supp of mot/injunction prohibiting release of privileged communication, by deft.

535 NORIEGA: BRIEF in opp to mot/injunction, by Turner Broadcasting & CNN.

536 NORIEGA: SUPPLEMENTAL ORDER (WMH 11/9/90) to court's order of 11/8/90 will remain for up til 10 days. (EOD 11/9/90) CCAP.

537 NORIEGA: *NOTICE OF APPEAL* by Turner Broadcasting & CNN from supplemental order entered 11/9/90. Copies to USCA & Attys of record. Fee paid 110747.

538 NORIEGA: TRANSCRIPT of hrg., before Judge William M. Hoeveler on 11/8/90 & 11/9/90 pgs. 3-134.

539 NORIEGA: TRANSCRIPT of hrg., on 11/10/90 before Judge William M. Hoeveler pgs 3-22.

540 ALL DEFTS: NOTICE of filing letter, by CNN & TBS.

541 MIRANDA: ORDER (WMH-11/7/90) no classified docs shall be discl to persons, incl defenses csl, who have not obtained security clearance (EOD-11/14/90-CCAP).

542 ALL DEFTS: ORDER (WMH-11/8/90) Setting hrg on pending matters & mots for 11/13/90 at 10:00 (EOD-11/14/90-CCAP).

543 NORIEGA: NOTICE of filling transcript of hrg, by CNN & TBS.

544 NORIEGA: TRANSCRIPT of hrg 11/12/90 pgs. 1-33.

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Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

SUPPLEMENTAL APPENDIX TO PETITION FOR WRIT OF CERTIORARI AND APPLICATION TO STAY DISTRICT COURT RESTRAINING ORDERS PENDING CERTIORARI

CERTIFICATE OF SERVICE

I, P. Cameron DeVore, a member of the Bar of this Court, hereby certify that on this 16th day of November, 1990, three copies of the Supplemental Appendix to Petition for Writ of Certiorari and Application to Stay District Court Restraining Orders pending Certiorari in the above-entitled case were personally served upon Frank A. Rubino, Esq., 2601 S. Bayshore Drive, Suite 1400, Coconut Grove, FL 33133, counsel for the respondent Noriega herein, and upon Dexter W. Lehtinen, Esq., United States Attorney, and Myles Malman, Esq., Assistant United States Attorney, 155 S. Miami Avenue, Miami, FL

33130, counsel for the respondent United States of America, herein, and upon the Solicitor General, Department of Justice, Washington, D.C. 20530. I further certify that all parties required to be served have been served.

P. CAMERON DEVORE
Davis Wright Tremaine
Suite 800
1752 N Steeet, N.W.
Washington, D.C. 20036
(202) 828-2388

Counsel of Record for Petitioners